

NO. 3214 P. 5/6

EDWARDS LEGAL DEPT. 949-250-6885

JAN. 10. 2006 1:59PM

Application Serial No.: 10/715,221
Amdt. dated January 10, 2006
Reply to Office Action of December 13, 2005

REMARKS

Applicant has elected Group II, Species 1, B for prosecution on the merits. By way of this response, claims 24-46 are now pending in the present application. However, claims 25, 34-36 and 38-44 have been withdrawn pending allowance of a generic claim. Claims 1-23 and 47-49 have been cancelled without prejudice.

Response to Restriction Requirement

On page 2 of the Office action, the Examiner has required a restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-23 and 47-49, drawn to surgical methods
- II. Claims 24-46, drawn to a medical apparatus or implant

In response to the restriction requirement, Applicant elects Group II (Claims 24-46) for prosecution on the merits.

Response to Species Election

Because Group II has been elected, the Examiner has further requested that Applicant elect from the following species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

- 1) Electrode
 - A) Axially extending tip
 - B) Annular band
- 2) Lock
 - A) Interference fit
 - B) Engagement surface movable between disengaged and engaged configurations

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- 3) Movement of Apparatus from Implantation to Remodeling Configuration
 - A) Proximal retraction of forming element
 - B) Distal advancement of forming element
- 4) Anchor
 - A) Distal extension of apparatus
 - B) Friction enhancing surface structure
 - C) Barb

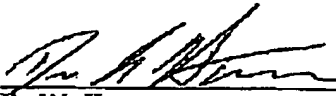
In response to the species election, Applicant hereby provisionally elects Species 1, B. Claims 24, 26-33, 37, 45 and 46 are readable on the elected species.

Conclusion

In light of the foregoing response and the above remarks, Applicant believes that this application is now in condition for allowance. Should the Examiner have any remaining questions, the Examiner is encouraged to contact the attorney of record at the telephone number shown below.

Respectfully submitted,

Date: 1/10/06


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